

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the final Office Action of September 10, 2009. Claims 1-11 were pending in the present application prior to the above amendment. In the present amendment, claims 1 and 7 have been amended, based on allowable subject matter from claim 4, and claim 4 has been cancelled. Therefore, claims 1-3 and 5-11 are pending in the present application and are believed to be in proper condition for allowance. No new matter is introduced (see, e.g., cancelled claim 4). Reconsideration in view of the above amendments and following remarks is respectfully requested.

First, Applicants wish to thank the Examiner for the indication of the allowance of claims 5, 6 and 10-11 and that claim 4 would be allowable if rewritten in independent form. Accordingly, (i) independent claims 1 and 7 have been amended to include the allowable subject matter from claim 4, and (ii) claim 4 has been cancelled. Thus, the pending claims 1-3 and 5-11 are in condition for allowance and patentably distinguish over the prior art of record, including the applied references, McCann, Frumm, UK patent 1,418,806, PCT publication WO 02/20115, Castelli, Batutis, Kingsbury, and Lawson, cited in the final Office Action.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. § 103, by amending independent claims 1 and 7 to include the allowable subject matter from claim 4, the present amendment places the application in better form for consideration on appeal. It is therefore respectfully requested that 37 C.F.R. §1.116 be liberally construed, and that the present amendment be entered.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and place all claims in condition for allowance.

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Respectfully submitted,

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